

REMARKS/ARGUMENTS

This letter is responsive to the Office Action dated October 20, 2005.

With this response, the application now has a total of 13 claims, including a total of 2 independent claims. Accordingly, no claim fees are due with this response.

In the office action, the Examiner has objected to the disclosure and has required that the section headings of the disclosure be provided in uppercase letters, and without being underlined or in bold.

The applicant has amended the section headings so that they are in uppercase and so that they are not underlined or in bold.

The Examiner has further objected to the disclosed as missing the letter 'e' from several pages of the disclosure. The Examiner has identified only certain examples of this, on page 3, lines 1, 2 and 31 and page 7, lines 1 and 31. The applicant submits that the application as filed is not missing the letter 'e' (or any other letter) anywhere, and that the missing letters may be a result of the scanning process and/or optical character recognition used by the patent office.

In the office action, the Examiner has rejected claims 1-9 under 35 U.S.C. 102(b) as being anticipated by Grunberger (4,088,252). The applicant has cancelled claims 1, 2 and 4-9 without prejudice, and has amended claim 3 to depend from claim 29, which in turn depends from claim 22. Claim 22 claims a backpack that has an angled bottom board, which is clearly not disclosed by Grunberger. Accordingly, the applicant submits that claim 3, as amended is not anticipated by Grunberger.

In the office action, the Examiner has rejected claims 10-15 under 35 U.S.C. 102(b) as being anticipated by Shook (5,911,348). The applicant has cancelled claims 10-15

without prejudice. Accordingly, the applicant submits that the rejection is no longer applicable.

In the office action, the Examiner has rejected claims 10 and 16 under 35 U.S.C. 102(b) as being anticipated by Leja (5,573,166). The applicant has cancelled claims 10 and 16 without prejudice. Accordingly, the applicant submits that the rejection is no longer applicable.

In the office action, the Examiner has rejected claims 17 and 18 under 35 U.S.C. 103(a) as being obvious over Ivarson et al. (6,474,524) in view of Wolfgram (2002/0088834). Claim 17 has been amended to include the subject matter of claim 20. Accordingly, the applicant submits that the rejection of claims 17 and 18 is no longer applicable.

The Examiner has rejected claim 20 under 35 U.S.C. 103(a) as being obvious over Ivarson et al. (6,474,524) in view of Wolfgram (2002/0088834). Claim 20 has been cancelled and the subject matter of claim 20 has been inserted into claim 17 as currently submitted with this response. The Examiner has stated, in relation to claim 17 as previously on file, that Ivarson discloses a backpack with an angled bottom board, but that Ivarson fails to disclose semi-rigid boards along the back-facing face and bottom. The Examiner stated that Wolfgram teaches that it is known in the art of backpack construction to use a rigid back board and a rigid bottom board on the interior of a bag. In relation to claim 20, the Examiner stated that Gausling et al. teaches that it is known in the art to include cinch straps on the sides of a backpack body to adjust the shape of the backpack body.

The applicant submits that there is no motivation to combine the three references in the way that the Examiner has suggested. The backpack of Wolfgram includes a hard internal shell. As described in paragraph 29 Wolfgram teaches a rigid back support plate 14 that is perpendicularly affixed at its lower end to a rigid bottom support plate 16, which forms a rigid horizontal support. The applicant submits that one skilled in the art would not be motivated to combine a teaching of a backpack with a rigid shell with a teaching of a backpack with a non-rigid shell to arrive at a backpack where one panel in

particular is at least semi-rigid (ie. the angled bottom board). The applicant further submits that one skilled in the art would clearly not be motivated to combine a teaching of a backpack with a rigid shell with the teaching of the use of cinch straps to bring the back-facing face and the away-facing face towards each other. Accordingly, the applicant submits that the backpack claimed in claim 20 as examined by the Examiner (which is now claim 17 in the claims submitted with this response), is not obvious in view of these references and is patentable over them.

The applicant submits that claim 18 is not obvious in view of these references and is patentable over them, at least by way of its dependency on claim 17.

The applicant submits that claim 19 is dependent on amended claim 17, and as a result, the rejection of claim 19 is no longer applicable. The applicant submits that claim 19 is patentable over the references at least by way of its dependency on claim 17.

The applicant has introduced new dependent claim 21, which depends from claim 17 and which claims that the at least one side cinch strap extends downwards in a direction from said back-facing face towards said away-facing face. In this way, the at least one side cinch strap lifts the away-facing face of the backpack up and towards the back-facing face.

The applicant has further introduced a new independent claim 22 and new dependent claims 23-29. New claim 22 includes the features of the angled bottom board and at least one shoulder cinch strap. The angle bottom board assists in bringing a load into proximity with the back-facing face of the backpack. The at least one shoulder strap cinch strap has a first end that is on the backpack body and a second end that is on the at least one shoulder strap and is spaced from the back-facing face. Thus, by cinching the at least one shoulder cinch strap, the back-facing face is brought into close proximity with the wearer's back. The applicant submits that none of the references teach or suggest the use of an angled bottom board in combination with the at least one shoulder cinch strap, to bring the load into proximity with the back-facing face and to

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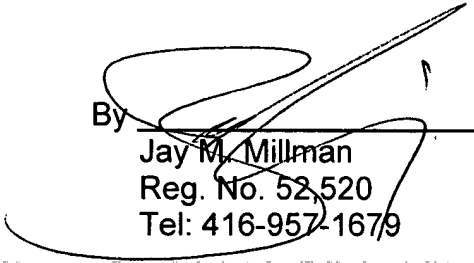
bring the backpack (and therefore the back-facing face) into proximity with the back of the wearer. Accordingly, the applicant submits that new claim 22 and new claims 23-29 are patentable over the prior art.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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By



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